

**House Energy and Commerce Committee**  
**Subcommittee on Oversight and Investigations Hearing:**  
**“Thoroughbred Horse Racing Jockeys and Workers: Examining On-Track**  
**Injury Insurance and Other Health and Welfare Issues”**  
**November 17, 2005**

**Testimony Submitted by Mr. Bernard J. Daney**  
**Chairman, Delaware Thoroughbred Racing Commission**  
**Chairman Elect, Association of Racing Commissioners International**  
**Board Member, National Racing Compact**

**Relationship With The Jockeys Guild**

- 1.) Statute became law June 1998. \$175,000 from purse account of the Delaware Horseman's Association and \$175,000 from the Delaware Racing Association (race track). Fund to be administered by the Jockeys Guild (the Guild) and funds were deposited annually in trust account in Lexington, Kentucky bank.
- 2.) The Delaware Thoroughbred Racing Commission (the Commission) signed an agreement with the Guild October 1, 1998, outlining 16 points of agreement.
- 3.) Good relationship with the Guild and their New York attorney, Mr. Kennedy. Meeting held with the jockeys to explain the program at Delaware Park by attorney, etc.
- 4.) Sometime during 2001 the Guild moved their office to California. The Commission lost all contact with any responsible employees in the Guild

office. We made numerous requests for data concerning coverages, etc. We got some replies but many incomplete replies.

- 5.) Because of complete frustration with the Guild, Delaware jockey's presented a petition to our Commission to remove funds from the Guild *"because they have not managed the financial affairs of the Guild appropriately."* (May 23, 2003)
- 6.) We then went to the Delaware Legislature and requested and received a new statute setting up a *Delaware Jockeys Health and Welfare Benefit Fund*. The Jockeys Health and Welfare Benefit Fund shall be administered by a Board, known as the Jockeys Health and Welfare Benefit Board, comprised of 1 member of the Delaware Thoroughbred Racing Commission, 1 member from the licensed agent under Chapter 101 of Title 3 or Chapter 4 of Title 28, 1 member of the Delaware Horsemen's Association, and 1 representative from the organization that represents the majority of the jockeys who are licensed and ride regularly in Delaware, and 2 jockeys who are licensed and ride regularly in Delaware. The Chairman of the Commission shall serve as an *ex officio* member and vote on matters in the event of a tie vote on any issue. Members shall be appointed by the Commission and shall serve 2-year terms. In addition to providing funding for jockey health and other welfare benefits, the fund may expend reasonable expenses for administrative purposes. Funds were to be transferred from the contract of the Guild to Department of Finance in Dover, DE.

- 7.) No meetings by Guild with jockeys to explain our program or other programs of the Guild
- 8.) At our Commission meeting of October 19, 2005, Mr. Albert Fiss informed us that all health plans would be suspended on October 21, 2005 and they would not accept any new Delaware jockey's. We had at least 15 jockeys who met our requirement in 2005 that have not been insured by the Guild under our plan. We do not know if they have any coverage. It is very disturbing.
- 9.) Delaware is trying to help the Guild to get some extra coverage and help to our jockey's – we get little or no cooperation from the Guild.
- 10.) Remember, we have many jockeys who have high earnings; they can buy the best coverage in the world. We also have "middle income" jockeys and have "low income" jockeys who need help with insurance costs. I believe it is time for us to help the middle and low income jockeys.

### **What To Do**

- 1.) Delaware, California, Maryland and other states supply funds to help the jockeys. Delaware Park has a policy of \$1,000,000 to cover each jockey for on-track racing injuries.
- 2.) All states should have a jockey supplement fund (as Delaware) to help support the medical, dental, vision policies of the Guild members.
- 3.) I believe each track should follow the lead of Delaware Park and provide the \$1,000,000 policy for on-track racing injuries.

- 4.) I believe the industry should supply funds for the welfare of the jockeys similar to the millions that they supply to NTRA. Some of these funds should go for the safety and welfare of the jockeys.

**Last**

- 1.) I believe the leading jockeys in this country must stand up and take some leadership in the problem of the “middle income” and “low income” jockeys. They must take the leadership and take back the Jockey Guild from outside interest and have the Guild run by people with experience and knowledge of this problem of the jockey’s.

**Or,**

- 2.) The leading jockeys must form a new jockeys association and have all jockeys resign and abandon the Guild as it is now constituted.

---

**Bernard J. Daney**

Chairman, Delaware Thoroughbred Racing Commission  
Chairman Elect, Association of Racing Commissioners International  
Board Member, National Racing Compact

---

**Date**